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Addendum

AZERBAIJAN

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I. GENERAL INFORMATION ON THE COUNTRY

A. Land and people

1. The Azerbaijani Republic lies at the point where Asia meets Europe, in the south-eastern part of the Transcaucasian region, bordering Russia in the north, Iran in the south, Turkey, Georgia and Armenia in the west and Kazakstan and Turkmenistan in the east, along the Caspian Sea. It stretches over 86,600 km^2 (including its islands in the Caspian Sea). Azerbaijan includes the Nakhichevan Autonomous Republic. Administratively it is divided into 62 districts, with Baku as the capital.

2. From 1918 to 1920 Azerbaijan enjoyed national independence, but after Red Army units moved in, it ceased in practice to be independent and became one of the Republics of the former Soviet Union (1920-1991).

3. A key political event in the country was the Supreme Soviet of the Republic's adoption of the Constitutional Act on the State Independence of the Azerbaijani Republic on 18 October 1991.

4. Since 1992, the Azerbaijani Republic has been a permanent Member of the United Nations. It now has diplomatic ties with many States around the world.

5. The population of the Azerbaijani Republic stands at 7,430,700 (according to figures for January 1994), of whom 3,952,800 (53.2 per cent) are urban dwellers and 3,477,900 (46.9 per cent) live in rural areas. Men account for 3,647,300 (49.1 per cent) of the population and women for 3,783,400 (50.9 per cent).

6. Ethnically, the population comprises 5,805,000 Azerbaijanis and 1,625,700 representatives of more than 80 other nationalities.

7. The average lifespan is 69.5 years (figures for 1993), with an average of 65.3 years for men and 73.9 years for women. For urban dwellers the average is 70.1 years (65.4 for men and 74.8 for women). For people living in rural areas, the average is 69.1 years (65.1 for men and 73 for women).

8. The toll taken by the deep social and economic crisis of recent years and the war that has been thrust upon the country can be seen in demographic indicators. The birth rate has fallen: average annual population growth as of 1993 was down from 102,000 to 75,000 compared with the figures for the previous decade, and in 1993 stood at 63,000.

9. In 1993, the number of births was 174,618 (27.6 per 1,000 inhabitants). Among urban dwellers, it was 81,783 (21.3 per 1,000); among the rural population, 92,835 (27.8 per 1,000).

10. The death rate (1993) stood at 52,809 (7.3 per 1,000 inhabitants): 27,185 deaths (7.1) among urban dwellers and 25,624 (7.6) among the rural population. The death rate among children under one year rose from 23 per 100,000 births in 1991 to 28.2 in 1993.

11. As at January 1994, there were 2,985,000 children and young persons under 18 years of age, with 531,500 between the ages of 0 and 2 years, 523,500 between 3 and 5 years, 1,117,800 between 6 and 12, and 813,000 between the ages of 13 and 18 years. Nine thousand children had lost both their father and their mother.

12. Compared with 1992, the number of children who had lost one parent rose by a factor of 2.5 and that of children who had lost both parents, by 3.5. The number of children who had lost their father rose by a factor of 2.3 (21,000), and the number who had lost their mother doubled (4,000). The number of orphans among refugees from the areas occupied by Armenian aggressors has more than doubled: among refugees from the Kelbajar district, from 628 to 1,032; from the Djebrail district, from 36 to 191; and from the Agdam district, to 1,871, which is also more than double the 1992 figure.

13. The breakdown of economic links with regions of the former Soviet Union and the transition to a market economy have resulted in a deep economic crisis in the Republic. The Republic's national income in 1993, compared with 1989, fell by 48 per cent. Industrial output fell by 30 per cent and agricultural output by 37 per cent.

14. In view of the sharp fall in living standards, a rise in prices and higher inflation, the State is taking measures to provide State assistance to low-income and large families.

B. Aggression by the Republic of Armenia against the Azerbaijani Republic and its after-effects

15. For Azerbaijan, the last two years have been characterized by a continuation of the effort launched in 1988 by Armenian separatists to wrest the Nagorny Karabakh Autonomous Region from Azerbaijan; this spilled over into a bloody war by Armenia against Azerbaijan which has affected the political, economic, social and psychological situation in the Republic.

16. Twenty per cent of Azerbaijan has been occupied by Armenian aggressors. Hundreds of thousands of peaceful inhabitants have been driven out, and to them must be added the more than 200,000 Azerbaijanis who, between 1987 and 1988, were driven from their homes in Armenia.

17. There are currently more than 1 million refugees in Azerbaijan, two thirds of whom are women and children.

18. Azerbaijan has lost 20,000 people in the war. One hundred thousand people have been injured and 971 people have been taken prisoner or hostage, including 61 children, 327 elderly persons and 315 women.

19. Of particular concern is the fact that the hostages taken by the Armenians include children, in violation of article 38 (1) and (4) of the Convention on the Rights of the Child. This goes against the basic principles of humanity and contemporary international law. In this regard, Azerbaijan,

as a State that has acceded to human rights instruments and the Convention on the Rights of the Child, whose young citizens are being held hostage, needs the support of the international community.

20. The war has drained a large part of the Republic's budget and the national economy has suffered enormous losses. Industrial and agricultural enterprises in the occupied territories have come to a standstill, as have consumer services and trade.

21. For the first time in the Republic, there are people registered as unemployed, only a few of whom receive unemployment benefit.

22. Two hundred and forty-two preschool establishments (for a total of 12,000 children) have been destroyed in the occupied regions, as have 616 schools providing general education (for 117,000 pupils), 4 technical colleges, the Shushinsky branch of the N. Tusi Azerbaijani Pedagogical University, 11 vocational and technical colleges (for 4,680 pupils) and 34 extra-scholastic establishments.

23. State and Government bodies in the Republic are taking urgent measures to mitigate the effects of the war and the crisis on the lives of the people of the Republic, particularly children. Twenty-eight kindergartens have been opened to cater for 7,300 children, along with 712 schools in areas where refugees have been housed. Additional measures are being taken to arrange schooling for the remaining refugee children.

24. The normal course of teaching in the education system has been completely disrupted by the housing of refugees and displaced persons in the Republic's schools, hostels, higher educational establishments, technical colleges and vocational and technical colleges.

25. Work has been found for 12,675 of the 20,000 refugee teachers and the rest are on State benefit. The State has allocated funds to supply the educational establishments that have been set up with textbooks, teaching aids, material, equipment and furniture, which only partially meet their requirements.

26. Considerable resources have been set aside to prepare the establishments for operation in winter conditions.

27. On the whole, the environmental situation throughout the Republic is not good. The extensive development of industry and agriculture in previous years to try and increase gross product has led to the sharp decline in the environment generally which is behind the steady increase in diseases, including congenital deformities. The environmental situation is particularly difficult in Sumgait, where there are major industrial chemical plants. The prevailing situation was exacerbated by the arrival in 1988 of refugees from Armenia who, in addition, destabilized an already difficult social situation. These factors have led to antisocial behaviour among teenagers and a sharp increase in crime among minors.

II. GENERAL MEASURES RELATING TO THE IMPLEMENTATION OF THE CONVENTION

A. Legislative framework for children's rights

28. The National Assembly (Milli Mejlis) of Azerbaijan ratified the Azerbaijani Republic's accession to the United Nations Convention on the Rights of the Child in decree No. 236 of 21 June 1992.

29. In 1994, at United Nations Headquarters, New York, the President of the Azerbaijani Republic, Heydar Alirza ogly Aliyev, confirmed the Republic's accession to the Convention.

30. Questions relating to the social and legal protection of children are governed by the Republic's Constitution (1978); the Citizenship Act (1990); the Legal Status of Foreign Citizens Act (1981); the State Youth Policy Act (1991); the Labour Code; 1/ the Civil Code; 1/ the Marriage and Family Code (1969); 1/ the Freedom of Religion Act (1992); the Public Associations Act (1992); the Health Act; 1/ the Education Act (1992); the Citizens Affected by the Accident at Chernobyl (status and social welfare) Act (1993); the Pensions Act (1992); the Holidays Act (1994); and other legislative and regulatory instruments.

31. The present Constitution of the Azerbaijani Republic (Basic Law), adopted on 21 April 1978, guarantees the protection of human rights and freedoms, providing for the right to freedom of religion (art. 50), the equality of all citizens regardless of race, national origin or sex (art. 62), and the right to work, rest and education.

32. The Citizenship Act was adopted on 26 June 1990 and establishes the procedure for acquiring and losing citizenship and the rights and freedoms of citizens (sects. II and IV; arts. 7 and 8 of the Convention).

33. The Legal Status of Foreign Citizens Act was adopted on 24 June 1981. It sets forth the conditions under which foreign citizens and stateless persons may reside in the Republic and their legal rights and freedoms are protected (art. 9 of the Convention).

34. The State Youth Policy Act was adopted on 13 November 1991. It contains the basic principles and provisions relating to the establishment of youth associations, State assistance to these organizations and financing, and young persons' membership in organizations and associations (arts. 15, 16 of the Convention).

35. The Labour Code covers areas relating to the employment of minors, their right to rest (leave), the length of the working day and other questions regarding protection of the interests of young persons in terms of employment and labour (sect. XIII) and protection of the employment rights of nursing mothers and pregnant women (arts. 26, 27 of the Convention).

1/ With the appropriate amendments and additions.

36. The Civil Code protects the interests of children, establishes the age of majority (art. 11), sets out the procedure for the acquisition of full and partial legal competence (arts. 11, 13, 14) and responsibility for damage to property and material loss caused by children and minors.

37. The Marriage and Family Code provides for rights and duties vis-à-vis parents and parents' rights and duties towards their children (art. 93), establishes the procedure for acquiring and changing a child's first name, surname and nationality (arts. 62-64, 125) and regulates the activities of bodies dealing with fostering or guardianship (sect. XIV). (arts. 9, 20, 21a, 34 of the Convention).

38. The Freedom of Religion Act, adopted on 20 August 1992, enshrines citizens' and children's freedom of conscience and religion (art. 1) as already proclaimed in the Constitution and establishes citizens' rights and freedoms in this area (art. 14 of the Convention).

39. The Public Associations Act was adopted on 10 November 1992 and sets out the procedures and conditions for setting up public associations, their activities, and the conditions and essential criteria for young people to be able to join (art. 15 of the Convention).

40. The Health Act was adopted in 1973. It lays down measures to protect and improve children's health and mental and physical development (sect. V).

41. The Act on the status and social welfare of citizens who took part in the clear-up after, or were affected by, the accident at Chernobyl defines the status and prescribes measures for the social welfare of people injured in the accident at the Chernobyl atomic power station, and protects the rights of children who have been orphaned or have suffered from the accident (art. 12).

42. The Pensions Act was adopted on 23 September 1992. It lays down the essential conditions for receiving a pension and determines the size of pensions when they are payable to children and minors (art. 27 of the Convention).

43. Decree No. 372 dated 31 October 1994 of the Cabinet of Ministers of the Azerbaijani Republic, on the preparation of regulatory texts in implementation of the Labour Protection Act, provides for the drafting of regulations on the preparation of a list of occupations in which the employment of minors is subject to protective measures.

44. Orders by the Cabinet of Ministers (Nos. 128 of 1 April 1993, 328 of 25 June 1993 and 403 of 21 July 1993) call for all-round improvements in the situation of refugee children and persons displaced by the Armenian aggression, including the opening of temporary schools and preschool establishments, and the mandatory granting of compensation, pensions and one-off material assistance. The decree (No. 209, dated 21 April 1981) on measures to increase State assistance to families with children, duly amended and supplemented, also remains in force (arts. 22, 38 of the Convention).

45. Ad hoc decisions have been taken to deal with urgent questions surrounding State assistance for children no longer in the care of their parents, whether they are in State care or not. The Cabinet of Ministers has issued decrees on: measures to provide assistance to children who have lost a parent or parents, or who are no longer in the care of their parents and are not in State care (No. 390 of 28 August 1990); increased assistance to children in State care (No. 282 of 29 August 1991); and urgent action to improve material assistance to and the living standards of children and pupils in boarding-schools and institutions (No. 422 of 29 December 1994). These extend the benefits available for children who have lost a parent or parents and for those no longer in their parents' care but not in State care, including:

The free issuance of a full range of winter and summer clothing, footwear, and school uniforms, sportswear and seasonal clothes while the children are in general education;

Yearly supplies of new clothes and footwear, grants and free food for pupils entering higher and secondary educational establishments, and secondary vocational and technical colleges;

Grants awarded to pupils once they have left school (all types of establishments) while they are looking for work;

Free vouchers and free transport for children to visit a camp, boarding house, preventive clinic, holiday home, sports and health camp or sanatorium;

Exemption from boarding fees in preschool establishments, from tuition fees in sports, art or music schools;

Free holidays and medicines until the age of majority;

The inclusion of such children on the same footing as children in State care in the provisions of the Government decree on free housing until the age of 18;

Payment by the State of expenses relating to guardianship with benefits for performance of specific functions;

The building of family-type children's homes;

The holding of charity concerts to raise funds for children without a parent or parents;

Construction and use of buildings, installations and other premises for children's institutions, boarding schools and children's homes;

Introduction of highly favourable terms for supplying government-supported establishments, boarding schools and children's homes with food, clothing and cultural and educational materials;

Improved material and technical support for boarding schools and children's homes; higher standards of minor furnishings and furniture supplied to these establishments.

46. The current system of legislated protection for children is, nevertheless, not effective enough because no machinery guaranteeing that the system is applied has been devised.

47. Although ad hoc decisions have been taken by the Government to uphold the rights of victims of political repression between the 1920s and 1980s and a group to monitor and implement the Helsinki Final Act was set up at the beginning of the 1990s, machinery to protect human rights has not been introduced.

48. An Act on the Rights of the Child has been drafted and sent before the National Assembly. In content, it concords fully with international instruments, including the Universal Declaration of Human Rights (1948), the Declaration on the Rights of the Child (1959), the United Nations Convention on the Rights of the Child (1989) 2/ and the World Declaration on the Survival, Protection and Development of Children in the 1990s. 3/ It is designed to institute State political, social, economic and cultural protection for motherhood, the family and childhood, and to protect the nation's gene pool.

49. The Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s (1990) and the "Beijing Rules" on the administration of juvenile justice have been translated into the Azerbaijani language to popularize them among the population of the Republic and have been distributed around the regions.

50. The prevailing situation in the Republic - first and foremost the war that Azerbaijan has been dragged into at a time of deep economic and social crisis caused by the break-up of the USSR - is hindering the implementation of government instruments aimed at solving children's problems. The process of incorporating the Convention into the Republic's legal system is long and hard.

B. Education, leisure and cultural activities (arts. 28-31 of the Convention)

51. In 1992, the National Assembly of the Azerbaijani Republic adopted the Education Act which provides for compulsory basic education (from classes I to VIII). In accordance with the Act, the right to general education in the Republic extends to all children and young persons regardless of race, national origin or religion, property status, and so on.

2/ Decision on accession, No. 236 dated 21 July 1992, of the Milli Mejlis of the Azerbaijani Republic.

3/ Decision on accession, No. 595 dated 5 July 1993, of the Milli Mejlis of the Azerbaijani Republic.

52. The Ministry of Education and the Ministry of Youth and Sports Affairs coordinate activities in the fields of education and work with young people, and determine State youth policy.

53. There are at present 4,419 general education day schools in the Republic (including 525 primary schools) catering for 1,434,500 children.

54. In recent years, new kinds of educational institutions have been set up in the Republic, including 7 high schools (lycées) catering for 4,169 pupils, and 5 grammar schools (gymnasia) for 3,599 pupils.

55. Within the higher, secondary specialized and vocational and technical education system there are 18 higher educational establishments covering 67,927 students, 42 technical colleges with 16,651 pupils and 163 vocational and technical colleges with 42,281 students.

56. In recent years, private higher educational establishments have been set up offering various kinds of curricula.

57. There are 1,630 State establishments for children of preschool age, including 527 kindergartens and crèches for 127,211 children.

58. Of particular concern to the State is education and training for children in care and who are brought up and educated in children's homes and boarding-schools. There are also State boarding-schools for difficult children, those with limited mental development, and for deaf and blind children.

59. For the aesthetic side of children's education and to raise their general cultural level, there are 3,772 clubs, 66 parks of culture and rest, 3 leisure centres, 129 State museums, and 33 theatres and concert halls, which together were attended by 57,070 children and young people in 1994. There are more than 48,000 children studying in 288 music schools. The clubs and cultural centres (palaces of culture and rest) host study groups and children's and young persons' ensembles and orchestras. There are family children's ensembles in cultural centres (houses of culture) in Baku and Mingyachevi, a puppet theatre in Baku, and in Zakataly there is a children's variety and folk collective. The Sharur district of Nakhichevan Autonomous Republic has a children's dance, vocal and choreographic collective. A Children's Philharmonic Orchestra has been set up and is now playing thanks to the Ministry of Culture with support from the Republic's Children's Fund.

60. With a view to improving children's aesthetic education, an arts school has been set up for juniors at the Republic's Teaching Methodology Centre for Aesthetic Education. Pupils from this school have taken part in international competitions in Norway, Iran and Egypt.

61. The Ministry of Education system includes 93 children's art centres, including the T. Ismaelov Children's and Young Persons' Arts Centre (palace of arts) in Baku; 72 handicrafts centres; 68 centres for ecological and agricultural training, 11 centres for junior tourism and regional studies, 8 centres for extracurricular work, 3 centres for aesthetic training, an arts centre (house of artistic education), and 138 children's and young

persons' sports schools. Altogether 23,000 pupils, or 17.4 per cent of the pupil population in classes I to XI, are involved in the groups, clubs, sections or other associations.

62. Besides State institutions, public - youth, children's and other - organizations are concerned with children's aesthetic education. These non-school establishments contribute to aesthetic, cultural and intellectual development. However, in this and other spheres, the effects of the general crisis and depression felt in society as a whole can be seen.

63. Particular attention is paid to the early identification and support of gifted children and young persons. A special structure has been set up, namely the Republican Practical Centre for Creative Talent, to carry out psychological and pedagogical research and look into practical ways to deal with problems associated with being gifted.

C. Medical services and welfare (arts. 24 and 25)

64. There are 744 State medical establishments for children in the Republic, including 684 children's out-patient clinics and children's departments in clinics for adults, and 60 children's hospitals with 6,300 beds, together employing 1,859 paediatricians. Altogether, 88,472 children received treatment in these hospitals and 283,252 children were treated in clinics in 1994.

65. The proportion of children suffering from various ailments is as follows (1993 figures): inflammation of the respiratory organs - 47.6 per cent; nervous disorders - 9.6 per cent; digestive disorders - 4.6 per cent; skin ailments - 4 per cent; disorders of the endocrine glands - 3.3 per cent.

66. Over the two years from 1991 to 1993, the incidence of disorders of the nervous system rose by 6 per cent; of the respiratory system, by 3 per cent; of urinary disorders, by 12 per cent; of skin ailments, by 3 per cent; of disorders of the endocrine system, by 8 per cent; of mental illness, by 3 per cent; of blood disorders, by 19 per cent; of problems with the digestive system, by 6 per cent; and of osteoarticular disorders, by 15 per cent.

67. Anaemia accounts for 79.6 per cent of blood disorders and rheumatic heart disease accounts for 33.7 per cent of circulatory problems. The number of children suffering from severe anaemia has risen by a factor of 2.5, standing at 315.6 (per 200,000 people) in 1993 compared with 107.8 in 1991. In Sumgait, with its environmental problems, the figure is 1,331.3.

68. State health services provide preventive care, including vaccinations. In 1994, 632,200 people were vaccinated against poliomyelitis and 320,000 against tuberculosis.

69. In 1993, 4,989 children died before their first birthday, a rate of 28.2 deaths per 100,000 births.

70. International support is being provided by countries, organizations and individuals to Azerbaijan, confronted as it has been by devastating

aggression, large numbers of children who have lost one or both of their parents, extreme economic difficulties and environmental woes. One instance of this support has been the provision of extensive medicinal assistance (including vaccines) and help in arranging for children to be treated abroad.

71. There are 11,694 disabled children under the age of 16 in the Republic. Two hospitals have been set up for them, and can treat 665 patients.

72. The Government has established a list of enterprises and organizations with difficult and dangerous working conditions where children under 18 years of age are forbidden to work.

73. Pregnant women are entitled to 126 calendar days' paid leave, including postnatal leave which is extended by a further 14 days in cases of complicated births. The State pays a benefit of three times the minimum wage upon the birth of a first child.

74. In the past two years, although nominally people's incomes have grown, the severe crisis and inflation have led to a sharp increase in their expenditure. Where the average wage in 1992, with a minimum consumer basket costing 999.7 manats, was 910.1 manats, the basket in 1994 cost 94,311 manats and the average wage was 12,200 manats. Wages during this time rose by a factor of 13.4 while the cost of the minimum consumer basket rose by a factor of 95.1: thus the standard of living fell by a factor of 7. Consumption of basic products per capita fell 4.9 per cent for meat and butter, 37 per cent for milk and dairy products and 70 per cent for fish.

D. Social problems, crime (arts. 32, 37, 40)

75. Over the past two years there has been an increase in crime committed by children under the age of 16. Bodies of the Ministry of Internal Affairs are working specifically to prevent crime. Under current legislation in the Republic, criminal responsibility begins at the age of 16. Between the ages of 14 and 16, a child is criminally responsible in cases of murder and especially aggravating circumstances. If a court feels that offenders under the age of 18 should not be given prison sentences, authorities dealing with law and order, in particular the Commission on Minors' Affairs, use educational measures to help them.

76. There is legislation governing the investigation and court examination of minors. Under the legislation, a defence lawyer must be appointed for them.

77. Looking at the statistics for recent years, it is clear that crimes are basically committed by minors who are unemployed, not engaged in study and away from the control of State public organizations - no doubt as a result of the country's war situation and economic crisis.

78. In the light of the statute drawn up for the Commission on Minors' Affairs of the Cabinet of Ministers, a Comprehensive Programme against Under-Age Crime 4/ based on the "Beijing Rules" (Standard Minimum Rules for

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4/ The Programme was approved pursuant to decision No. 49 of 6 March 1995.

the Administration of Juvenile Justice), to which Azerbaijan acceded pursuant to a decision of the Republic's supreme legislative body, the Milli Mejlis, in 1993, 5/ was discussed and approved in 1994. The aim of the Programme is:

(a) To formulate social policy to help prevent and reduce the incidence of unlawful behaviour among minors;

(b) To find a mechanism to implement the measures proposed;

(c) To mobilize all State structures to work towards the well-being of minors and thereby to maintain peace and order in society;

(d) To ensure the humane administration of justice to minors, based on the principles of social equality and of causing the least possible harm.

The Programme is targeted at all minors living in the Azerbaijani Republic, with no distinction in regard to sex, nationality, religion, social origin or property status, and also proposes work with young, under-age offenders. The Programme aims to limit the actions of those involved in the administration of justice to minors, on the principle of doing "the least possible harm" and proposes an alternative way of administering justice to minors, namely by handing matters over to the Commission on Minors' Affairs. The programme of work with minors covers the following: prevention, justice, social rehabilitation and scientific research.

E. Public and international organizations

79. In 1988, a branch of the V.I. Lenin Soviet Children's Fund was set up in the Republic. After Azerbaijan gained its sovereignty, this became the Children's Fund of the Azerbaijani Republic. The aim of the organization is to mobilize society to try to solve children's problems. The purposes and aims of the Children's Fund were laid down in Government Decree No. 239 of 23 July 1988. Under the Decree, the Fund was granted the status of a national government department. The Children's Fund works in accordance with requirements accepted in international practice, due account being taken of the social and economic situation in the Republic. At present, the main problems facing the Children's Fund, as a result of the war into which Azerbaijan has been drawn, are those of child refugees, children in displaced families and children on State benefit. To this end, the Fund spent 15,424,773 manats in 1993-1994. In addition, it has provided assistance in the form of clothing, food, medicine and teaching aids. Branches of the Fund have been set up in the Nakhichevan Autonomous Republic and throughout the Republic's towns and districts.

80. The Ministry of Health and the Children's Fund have set up a joint health centre which is now in operation. It deals with and tries to prevent the most prevalent ailments affecting children in the Republic. Every day more than 500 children attend the centre, which is run by the deputy president of the Children's Fund.

5/ Decision 652 of the Milli Mejlis of the Azerbaijani Republic of 28 July 1993.

81. A public organization, "Istedad", has been set up in the Republic to identify gifted children and assist their development.

82. There are a number of other large public organizations and groups dealing with children's problems. The "Children's League" tries to find and secure the release of children being held prisoner or taken hostage during the occupation of Azerbaijani lands (1989 to 1995).

83. The United Nations Children's Fund (UNICEF) and a number of international humanitarian organizations have offices in Azerbaijan and are involved in solving the problems facing children there.